

Appl. No. 10/813,483
Response dated January 5, 2005
Response to Restriction Requirement mailed on December 6, 2004

Patent Docket #P2026R1

REMARKS

Claims 1-45 and 48-50 remain in this application. Claims 46-47 have been cancelled as being duplicative of Claims 44 and 45. Claims 28-45 and 48-50 are withdrawn as being drawn to non-elected subject matter. Claims 1, 10-19 have been amended responsive to the Restriction as well as to correct minor clerical errors in the claims dependency. No new matter is added by the amendments.

Restriction Requirement and Species Election

Responsive to the Examiner's 4-way Restriction presented in the December 6, 2004 Office Action, Applicants hereby elect Group II (Claims 1-27), drawn to a stable liquid formulation comprising an antibody.

Responsive to the Examiner's species election, Applicants hereby elect rhuMAbE25. Claims 17, 21 are directed specifically to this species, while Claims 1-16, 19-20 and 22-27 are generic.

As this is a species election, the Examiner is reminded of M.P.R.P. § 809.02(c) (B) (1) which prescribes that when a generic claim is found to be allowable . . . all claims to each of the additional species that are embraced by an allowable claim . . . that claims drawn to the non-elected species are no longer withdrawn since they are fully embraced by the allowed generic claim.

The Examiner is encouraged to call the undersigned at the number indicated below if doing so might expedite prosecution.

This document is timely filed within the one-month period for response. Applicants believe that no fees are due with this submission. In the unlikely event that fees are due, Applicants hereby petition the Commissioner to authorize any extensions of time and/or to deduct fees or add credits due to our Deposit Account 07-0630 as necessary to maintain the pendency of this application.

Respectfully submitted,

GENENTECH, INC.

By: 

Craig G. Svoboda

Reg. No. 39,044

Telephone No. (650) 225-1489

Date: January 5, 2005

170897